

Sentencing Policy Study Committee

Minutes of meeting on September 12, 2003

ATTENDANCE:

Rep. William Crawford
Dick Good
Mark Goodpaster
Sheila Hudson
Steve Johnson
Joseph Koenig
Larry Landis
Sen. David Long
Hon. David Matsey
Todd McCormack
Luke Messer
Hon. Tanya Walton-Pratt
Hon. Judith Proffitt
Andy Roesener
Evelyn Ridley-Turner
Hon. James Williams

I. Call to Order

Sentencing Policy Study Committee Chair, Sen. David Long, called the meeting to order at 10:05 a.m.

II. Introduction by Sen. David Long

Sen. Long introduced himself and the members in attendance and informed those in attendance that not everyone was present. A copy of House Enrolled Act No. 1145 was distributed to those who didn't have a copy with them. Sen. Long stated that the work of the Committee needs to be done by November of 2004.

III. Five Key Areas

Sen. Long reviewed the charges from the legislature found in House Enrolled Act No. 1145. Sen. Long stressed that, from his perspective, there were five key areas that the Commission should focus on. Those areas were:

- The nature and degree of harm likely to be caused by the offense, including whether it involves property, irreplaceable property, a person, a number of persons, or a breach of the public trust. The deterrent effect a particular classification may have on the commission of the offense. The rights of the victim.
- Recommend structures to be used by a sentencing court in determining the most appropriate sentence to be imposed in a criminal case, including any combination of imprisonment, probation, restitution, community service, or house arrest. Sen.

Long stated that the goal here was to provide better guidelines for the courts.

- Determine the long range needs of the criminal justice and corrections systems and recommend policy priorities for those systems. Identify critical problems in the criminal justice and corrections systems and recommend strategies to solve the problems. Assess the cost effectiveness of the use of state and local funds in the criminal justice and corrections systems.
- Recommend a comprehensive community corrections strategy based on several items listed in House Enrolled Act No. 1145.
- Evaluate the use of faith based organizations as an alternative to incarceration.

IV. Floor opened for comments from members of the Sentencing Policy Study Committee.

Rep. Crawford: Stated that he was one of the authors of House Enrolled Act No. 1145 and that one of the overriding concerns in the House of Representatives was the increasing cost of the corrections system in Indiana. Rep. Crawford further stated that the Budget Agency is required to give the House ongoing information on corrections statewide. The House recognized the need for accountability in the corrections system; public safety cannot be jeopardized, but the effectiveness of the system needs to be studied. Need to look at front-end diversion and what happens upon release.

Sen. Long: While fiscal matters aren't the only factor for the Committee, they do drive the entire discussion.

Evelyn Ridley-Turner: Stated that DOC has an average 4-5% increase in population each year. The question is how can we accommodate the growing population without compromising public safety. DOC is only a few months from full capacity. Stated that DOC is open to working with community transition and community corrections programs. Further stated that DOC has no plans for future growth and that while there are some beds open, there are not enough staff for those beds.

Judge Walton-Pratt: Briefly discussed some issues concerning the imprisonment of offenders in Marion County. Judge Walton stated that Marion County Jail is above capacity and that the county is under a Federal mandate to reduce the population of the jail. The effect of this overcrowding is that everyone sentenced in Marion County is sent to DOC.

Rep. Crawford: Stated that about 3000 inmates from Marion County are sent to DOC each year, while about 300 are sent from Lake County. Wanted to look at the reasons for this since Marion County is not ten times as large.

Sen. Long: Asked for general thoughts from the Judges on the Commission concerning community corrections.

Judge Proffitt: We have really just scratched the surface of what community corrections can do. Community corrections are not a free pass, rather they are an authentic part of corrections.

Judge Matsey: Stated that the courts are aware of sentencing-related issues such as fairness of the sentence and budget limitations. Issue of methamphetamines first brought up, stating that one half of his jail was filled with methamphetamine offenders.

Sen. Long: Asked how sentencing guidelines on methamphetamine were affecting actual practice in the courts.

Judge Matsey: Stated that when sentences are higher, everything changes. More time is spent on the case, attorneys are more diligent, and the focus is changed. Stated that methamphetamine offenders are generally unable to bond out and if they are released, they are making more meth the next day.

Judge Williams: Stated that his county had a meth problem as well. Wasn't for sure of effects of new sentencing guidelines. Did state that more people are in county jails for longer times before going to trial.

Rep. Crawford: Brought up drug courts and inquired about their overall effectiveness, with a specific focus on methamphetamine.

Judge Matsey: Treatment is much more difficult with methamphetamine because it is so addictive. Meth cases also affect CHINS cases because parents, often repeat offenders, are being arrested.

Rep. Messer: Treatment for meth offenders is good, but without secure detention, they will go back to the drug.

Sen. Long: Stated that treatment may not be there yet. Also identified two major issues, one being drugs and community corrections, the other being distinctions between users and dealers.

Judge Walton-Pratt: Stated that the Commission needed to look at non-suspendable cases. Pointed out that it is a C felony for operating a vehicle while intoxicated resulting in death while it is an A felony for distributing three grams of cocaine.

Judge Williams: Commented on provisions in the Code providing for enhanced sentences for drug offenses within 1000 feet of a school. Stated that the

inflexibility of these provisions are misused, that they increase costs, and that they don't cause drug activity to go outside of school areas.

L. Landis: Stated that he hasn't really seen any drug buys within the school zones involving kids. Stated that people are often set up by police in these areas to increase penalties. Stated that the Commission has an opportunity to step back and look at the purposes of these laws. Stated that the focus is too much on the length of sentence rather than on rehabilitation. Suggested an examination of the re-entry court in Allen County.

Sen. Long: Stated that studies show a reduction in violent crime because violent offenders are being incarcerated longer. Further stated that increased terms of incarceration have some positive impacts, but the problem remains the cost.

L. Landis: Stated that we need prisons for those people we are afraid of, not for those we are mad at.

T. McCormack: Stated that the reduction in the crime rate is attributable to increased incarceration, but that when we widen the net, less violent offenders who probably don't need to be in prison often end up there. Stated that it is hard to predict recidivism and that we need to identify the two percent of the population who are a continuing threat. Further stated that sometimes there aren't enough sentencing options.

S. Johnson: Stated that the Commission should look at why people are actually in prison. Stated that Indiana has a lot of people on probation and community corrections and that we need to make sure these are the right people for these programs. Further stated that some people can be rehabilitated best in prison.

Rep. Crawford: Discussed DOC report about who is in prison for what offenses. Stated that the Commission needed to focus on programs within DOC, especially education. Further discussed problems associated with reintegration of offenders. Stated that released offenders are stigmatized upon release and they often have a lack of opportunity.

S. Hudson: Discussed a 2001 Allen County reentry initiative. Stated that community corrections needs to become the vehicle for reentry and that the focus should be on the person not on the crime. Further stated that we should focus money in community corrections on efficiency. Stated that continual evaluation is needed to determine what works and what doesn't.

J. Koenig: Stated that there were likely three main groups of incarcerated offenders: violent, habitual, and drug dealers. Discussed that portion of the budget bill dealing with forensic diversion.

Sen. Long: Suggested that mental health issues might be handled best by a body separate from the Sentencing Policy Study Committee.

J. Koenig: Stated that we don't do a good job of evaluating offenders before they come through the system.

Judge Matsey: Stated that offenses and punishments need to be examined.

Sen. Long: Opened the Commission meeting to comments from the public.

V. Floor opened for comments from members of the public in attendance

Mr. Bair: Stated that his daughter and grandchild were killed by a driver with a suspended license who was high on methamphetamine and marijuana. Stated that the offender received a four year sentence and that he found it unconscionable that he should be out of prison so soon. Stated that he wanted the offense changed from a C felony to a B felony.

Rep. Messer: Stated that the Commission needs to be mindful of victims and their rights.

Mr. Bair: Asked if there were private prison systems in the state and if so, could they do a better job.

E. Ridley-Turner: Stated that there were private facilities in the state, but that she didn't think they did a better job.

Sen. Long: Stated that the Commission would be focusing specifically on sentencing. Further stated the importance of determining the most effective sentences.

Ms. Duffy: Stated that she was an ex-offender who was now helps juveniles with reentry through the AIM program. Discussed her issues with mandatory minimum sentences and her own experiences with reintegration. Further discussed the reentry program that helped her get employment before she was released from confinement.

Rep. Crawford: Suggested that the Commission should look into reentry programs such as the one mentioned by Ms. Duffy above.

Sen. Long: Stated that he wanted to look initially at the sentencing structure and community corrections.

Jim Birge: Stated that North Carolina had undertaken a similar task of sentencing reforms in 1994. Stated that the prison population went down, while public safety wasn't compromised.

Judge Matsey: Stated that Indiana does not have a comprehensive system of criminal information. Stated that Indiana needs this and discussed the JTAC system.

Dick Good: Stated that JTAC is beginning to take off in Indiana.

J. Koenig: Stated that the current JTAC pilot test county timeline indicated that the pilot counties would be finished in the spring.

Sen. Long: Stated that he would like to get another three to four meetings in before the general assembly meets. Stated that we are heading toward uniform rules for community corrections. Agreed with Rep. Crawford that summaries of programs should be compiled before the next meeting. Thanked everyone in attendance.

VI. Meeting Adjourned